

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity
as Secretary of State of Washington, and
the STATE OF WASHINGTON,

Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS,
and State Representative, ALEX YBARRA,

Intervenor-Defendants.

NO. 3:22-cv-5035-RSL

STATE OF WASHINGTON’S
STATUS REPORT

Pursuant to this Court’s Order of September 15, 2023 (Dkt. # 224), the State of Washington submits the following status report regarding the Legislature’s position on reconstituting the Redistricting Commission.

The Legislature as a whole has not taken a position, but Speaker of the House Laurie Jinkins and Senate Majority Leader Andy Billig issued a public statement saying that they will not support a special session to reconstitute the Commission. That statement makes clear that their stated preference “is for the court to directly adopt a map that meets statutory and constitutional obligations.” Their full statement is available at: <https://senatedemocrats.wa.gov/>

1 [blog/2023/09/13/leader-billig-speaker-jinkins-call-for-non-partisan-process-for-vra-compliant-](https://www.wa.gov/news-releases/2023/09/13/leader-billig-speaker-jinkins-call-for-non-partisan-process-for-vra-compliant-legislative-district-in-yakima-valley/)
2 [legislative-district-in-yakima-valley/](https://www.wa.gov/news-releases/2023/09/13/leader-billig-speaker-jinkins-call-for-non-partisan-process-for-vra-compliant-legislative-district-in-yakima-valley/). Following this Court’s September 15 order, Counsel for
3 the State contacted Speaker Jinkins and Majority Leader Billig and confirmed that this statement
4 continues to reflect their position.

5 Meanwhile, Senate Minority Leader John Braun and House Republican Deputy Leader
6 Mike Steele issued a statement calling for a special session to reconstitute the Commission,
7 stating: “The Legislature should perform its civic duty and call a special session for the purpose
8 of reconvening the Redistricting Commission. The court invited this course of action, which is
9 fully supported by the Senate and House Republican caucuses.” Leader Braun’s and Deputy
10 Leader Steel’s full statement is available at: [https://mikesteele.houseRepublicans.wa.gov/2023/](https://mikesteele.houseRepublicans.wa.gov/2023/09/27/house-republican-deputy-leader-mike-steele-and-senate-republican-leader-john-braun-call-for-a-special-session-to-reconvene-the-redistricting-commission/)
11 [09/27/house-republican-deputy-leader-mike-steele-and-senate-republican-leader-john-braun-](https://mikesteele.houseRepublicans.wa.gov/2023/09/27/house-republican-deputy-leader-mike-steele-and-senate-republican-leader-john-braun-call-for-a-special-session-to-reconvene-the-redistricting-commission/)
12 [call-for-a-special-session-to-reconvene-the-redistricting-commission/](https://mikesteele.houseRepublicans.wa.gov/2023/09/27/house-republican-deputy-leader-mike-steele-and-senate-republican-leader-john-braun-call-for-a-special-session-to-reconvene-the-redistricting-commission/).

13 In light of these dueling statements and the constitutional requirement of a two-thirds
14 vote of the Legislature to call a special legislative session, Wash. Const. art. II, § 12, and to
15 reconvene the Redistricting Commission, Wash. Rev. Code § 44.05.120, it appears clear that the
16 Legislature will not return for a special session, and the Redistricting Commission will not be
17 reconstituted. Accordingly, the adoption of a new, VRA-compliant map will be up to this Court.

18 To assist with this process, and in light of the additional remaining time between now
19 and the Court’s deadline of February 7, 2024 (Dkt. # 218 at p. 32), the State respectfully suggests
20 that this Court appoint a special master to assist it in drawing maps. *See, e.g., Singleton v. Allen*,
21 2:21-cv-1291-AMM, 2023 WL 5691156, at *3 (N.D. Ala. Sept. 5, 2023) (directing a “Special
22 Master and cartographer . . . to commence work forthwith on a remedial map” following
23 Alabama legislature’s inability to adopt VRA-compliant map). The State further respectfully
24 suggests that this Court order a status conference within the next two weeks, in which the parties
25 shall be prepared to discuss appointment of a Special Master, including identifying potential
26 candidates, as well as procedure for sharing materials with the Special Master. Counsel for the

1 State have informed the Legislature that, because the Washington State Redistricting Act, Wash.
2 Rev. Code, ch. 44.05, provides a single method for the State to develop redistricting plans—via
3 a bipartisan commission—the State will not propose its own maps for consideration by this Court
4 unless ordered to do so by the Court.

5 DATED this 29th day of September 2023.

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7 ROBERT W. FERGUSON
Attorney General

8 /s/ Andrew R.W. Hughes

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 29th day of September 2023, at Seattle, Washington.

/s/ Andrew R.W. Hughes
ANDREW R.W. HUGHES, WSBA #49515
Assistant Attorney General